

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3602

IN THE MATTER OF:

Served January 18, 1991

Investigation Concerning Issuance)
of Certificates of Authority)

Case No. MP-91-02

IMPORTANT NOTICE: CARRIERS ARE HEREBY NOTIFIED THAT THE ACTION
TAKEN BY THIS ORDER MAY RESULT IN THE SUSPENSION
AND/OR REVOCATION OF THEIR WMATC OPERATING RIGHTS.

The Washington Metropolitan Area Transit Regulation Compact (Compact) 1/ provides in part 2/ that a new "Certificate of Authority" shall be issued within 120 days of the effective date 3/ of the latest amendment of the Compact to a person engaged in transportation under an existing "Certificate of Public Convenience and Necessity" on such effective date. 4/ Pending issuance of the new Certificate of Authority, the continuance of operations is permitted under the existing Certificate of Public Convenience and Necessity. 5/ Operations permitted to continue under an existing Certificate of Public Convenience and Necessity must be performed according to the applicable tariff of the certificate holder on file with the Commission on the effective date. 6/ To the extent that a Certificate of Authority issued by the Commission authorizes irregular-route service, the Certificate of Authority will be coextensive with the Metropolitan District. 7/

In 1971 the Commission entered into a cooperative agreement, pursuant to Public Law 89-170, with the Federal Highway Administration of the U.S. Department of Transportation (USDOT) to jointly enforce the USDOT motor carrier safety regulations as they would apply to carriers subject to the Commission's jurisdiction.

1/ Public Law 86-794, 76 Stat. 1031, as amended by Public Law 87-767, 76 Stat. 764, as amended by Public Law 101-505, 104 Stat. 1300.

2/ Compact, Title II, Article XI, Section 6.

3/ The amended Compact was signed into law on November 3, 1990, and provides that it becomes effective in 90 days. Thus, the effective date is February 1, 1991, and June 1, 1991, is 120 days later.

4/ Compact, Title II, Article XI, Section 6(b).

5/ Compact, Title II, Article XI, Section 6(c)(i).

6/ Compact, Title II, Article XI, Section 6(c)(ii).

7/ Compact, Title II, Article XI, Section 9(b).

In considering the issuance of new Certificates of Authority to existing WMATC carriers 8/ and in consideration of the Commission's cooperative agreement with USDOT, the Commission has determined that it is appropriate to gather current information concerning the USDOT safety ratings assigned to WMATC carriers.

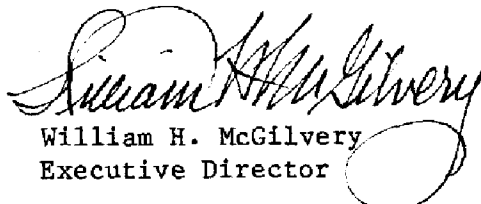
WMATC certificated carriers who have never been rated by USDOT and WMATC certificated carriers having "satisfactory" USDOT safety ratings will be issued new Certificates of Authority.

A WMATC certificated carrier holding a "conditional" or "unsatisfactory" USDOT safety rating will be issued a new Certificate of Authority (1) upon filing evidence of a current "satisfactory" USDOT safety rating, or (2) on June 1, 1991, whichever is later. In the event that a new Certificate of Authority is issued on June 1, 1991, in the absence of a "satisfactory" USDOT safety rating, such Certificate of Authority will be suspended upon issuance. The new and suspended Certificate of Authority will supersede and cancel the carrier's Certificate of Public Convenience and Necessity. Therefore, the carrier's only WMATC operating authority will be suspended effective June 1, 1991, and the carrier may not conduct WMATC operations on or after that date until evidence of a current "satisfactory" USDOT safety rating has been filed with the Commission and an order has been issued lifting the suspension. Between February 1, 1991, and June 1, 1991, such carrier may continue operations authorized by its Certificate of Public Convenience and Necessity, provided it otherwise remains in compliance with the Compact and the rules, regulations and orders of the Commission. In the event that any suspended Certificate of Authority remains suspended for 365 consecutive days, for any reason, such Certificate of Authority shall be deemed terminated and revoked effective on the 366th day.

Each carrier holding a Certificate of Public Convenience and Necessity issued by the Commission is hereby directed to file with the Commission on or before Thursday, February 28, 1991, an original and four copies of an affidavit in the form of the Appendix to this order. Failure timely to comply with this requirement will result in suspension of a carrier's WMATC operating authority and an order to show cause why such operating authority should not be revoked for failure to comply with this order.

IT IS SO ORDERED.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS WORTHY, SCHIFTER, AND SHANNON:


William H. McGilvery
Executive Director

8/ Most existing Certificates of Public Convenience and Necessity are for irregular-route service in charter and/or special operations. Most new Certificates of Authority would involve significant expansion of the operating authority of the certificate holder.

AFFIDAVIT

I hereby certify that I am authorized to file this affidavit on behalf of _____,
(name of carrier as shown on Certificate)
the holder of Certificate of Public Convenience and Necessity No. _____,
issued by the Washington Metropolitan Area Transit Commission.

Check as appropriate:

The above-named carrier currently has the following
safety rating assigned by the United States Department of
Transportation:

- ☐ Satisfactory
- ☐ Conditional
- ☐ Unsatisfactory

- ☐ The above-named carrier has never been assigned a safety
rating by the United States Department of Transportation.

City/County of _____)

District/State of _____)

_____ the _____
(name of person) (title)

of _____,
(name of carrier as shown on Certificate)
the person signing the foregoing affidavit, being first duly sworn,
says that the facts contained therein are true and correct to the best
of his/her knowledge and belief.

(Affiant)

Taken, sworn to, and subscribed before me this _____ day of _____,
19____.

(Notary Public)

My Commission expires _____, 19____.

